

DOCKET NO. UWY-CV-14-6026552-S	:	SUPERIOR COURT
	:	
NUCAP INDUSTRIES INC., ET AL.,	:	J.D. WATERBURY
Plaintiffs,	:	
	:	
VS.	:	AT WATERBURY
	:	
PREFERRED TOOL AND DIE, INC., ET AL.,	:	
Defendants.	:	JUNE 22, 2015

**PLAINTIFFS' PARTIAL MOTION TO DISMISS
DEFENDANT BOSCO'S COUNTERCLAIMS**

Pursuant to Practice Book Section 10-30, Plaintiffs, Nucap Industries Inc. ("Nucap Industries") and Nucap US Inc., as the successor to Anstro Manufacturing ("Nucap US") (collectively "Plaintiffs" or "NUCAP"), respectfully file this Partial Motion to Dismiss Defendant Robert A. Bosco, Jr.'s Counterclaims.

Plaintiffs bring this Partial Motion to Dismiss Counts I to IV of Bosco's Counterclaims on the grounds of improper venue. Counts I to IV of Bosco's Counterclaims *are the same exact claims* that this Court (Judge Roraback), in a separate lawsuit, previously dismissed on the basis of improper venue. *See* Ex. A, Memorandum of Decision re: Motion to Dismiss, *Bosco v. Eyelet Tech Nucap Corp et al.*, No. UWY-CV14-60234433-S, Superior Court, Judicial District at Waterbury (Roraback, J.) (hereinafter the "Prior Connecticut Lawsuit"); *see also* Ex. B,¹ Complaint in the Prior Connecticut Lawsuit. When Bosco sought reconsideration, the Court denied that motion as well and reaffirmed its prior decision that any of Bosco's contract-based claims against NUCAP would need to be litigated in New York, consistent with the forum selection clause. *See* Ex. C, Order on Reconsideration, *Bosco v. Eyelet Tech Nucap Corp et al.*, No. UWY-CV14-60234433-S, Superior Court, Judicial District at Waterbury (Roraback, J.).

¹ All references to exhibits contained herein refer to the exhibits attached to Plaintiffs' memorandum in support of this motion.

Bosco's Counterclaims are also identical to the counterclaims he has brought in a separate lawsuit Plaintiffs have brought against Bosco in New York (the "New York Lawsuit"). *See* Ex. D, Bosco's Counterclaims in the New York Lawsuit. Counts I to IV of Bosco's Counterclaims in this case are identical to the claims he brought in the since-dismissed Prior Connecticut Lawsuit. *Cf.* Ex. E, Counterclaims at ¶¶ 11-30 to Ex. D, Prior Connecticut Complaint at ¶¶ 12-31 (presenting identical and unchanged factual allegations). Bosco's Counterclaims at Counts I to IV should likewise be dismissed for the same reasons.

Lastly, the Court should additionally exercise its inherent power to sanction Bosco now, without requiring formal motions practice on sanctions, so as to immediately reprimand Bosco for bringing the identical claims that this Court has already dismissed with prejudice.

WHEREFORE, Plaintiffs respectfully request that the Court grant their Motion, dismiss Counts I to IV of Bosco's Counterclaims with prejudice, and impose sanctions on Bosco and his counsel.

PLAINTIFFS,
NUCAP INDUSTRIES, INC. and NUCAP US,
INC.

By /s/Nicole H. Najam

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CERTIFICATION

This is to certify that a copy of the foregoing was mailed, postage prepaid or delivered electronically or non-electronically, on this 22nd day of June, 2015 to all counsel and self-represented parties of record, as follows:

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